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STATE
OF
MONTANA

DIVISION OF FORENSIC SCIENCE

DEPARTMENT OF JUSTICE

275 West Front Street, Missoula, MT 59802 (406) 728-4970

NOVEMBER 1983



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Ronald L. Rivers, M.D.
State Medical Examiner

Arnold B. Melnikoff
Laboratory Bureau Chief

Dawn M. Kangas
Administrative Assistant

PLEASE RETURN

Just in Time

The instrument for the rapid analysis of carbon monoxide poisoning has arrived in our laboratory. This \$12,000 purchase was approved by your legislators last July. With winter months arriving there will be more carbon monoxide deaths. Routine analysis of blood taken from motor vehicle accidents is now possible. If one life is saved by detecting a malfunctioning heater or muffler the machine has more than paid for itself.

Congratulations

The Blackfeet Tribal Council has appointed Glacier County Sheriff Jim Persling as the official coroner for the Blackfeet Indian Reservation. I believe this is a first for Montana and reflects a great deal upon the two agencies. This resolves jurisdictional problems that often arise between reservations and law enforcement agencies relative to homicides.

Continuing Education

Larry Pederson, Chief Chemist for the Montana Division of Forensic Science, attended a week-long course sponsored by the ATF in arson analysis. The school was held in Rockville, Maryland at the Forensic Science Research Center. Arnie Melnikoff attended the American Society of Crime Lab Directors annual meeting in Quantico, Virginia. This was sponsored by the FBI. Sponsored meetings mean that all travel costs are provided by the U.S. government.

Physical Evidence Examination Requests

Some new forms will be sent out over the next few weeks to all the law enforcement agencies. They will help us all establish a good chain of evidence and provide uniform case information.

STATE DOCUMENTS COLLECTION

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1515 E. 6th AVE.
HELENA, MONTANA 59620

NOVEMBER

ON CALL SCHEDULE - MONTANA STATE MEDICAL EXAMINER

275 W. Front Street
Missoula, Montana 59802

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5 RON RIVERS
6 RON RIVERS	7	8	9	10	11	12 KEN MUELLER
13 KEN MUELLER	14 JOHN PFAFF	15 JOHN PFAFF	16 JOHN PFAFF	17 JOHN PFAFF	18 JOHN PFAFF	19 JOHN PFAFF
20 JOHN PFAFF	21	22	23	24 KEN MUELLER	25 KEN MUELLER	26 KEN MUELLER
27 KEN MUELLER	28	29	30			

Telephone Numbers: State Office - 728-4970
WATS Line - 243-5796

Home Phone: Dr. Ron Rivers- 728-2033 (Home)
(week nights call unless otherwise indicated)

Dr. John Pfaff - Great Falls
Hospital - 727-3333
Home - 727-3905

Dr. Ken Mueller- Billings
Hospital - 657-7000
Home - 248-3024

ANSWERS:

1. The manner of death is, first of all, an opinion - an opinion that can be reversed by any judge or jury. But any opinion should be based on several facts. That is the key. Document as many facts as you can to defend your verdict. For example - a suicide verdict on a gunshot wound to the head:
 - A) Right temple area - FACT - most suicidal gunshot wounds are to the right temple.
 - B) Soot and powder in wound - FACT - suicidal gunshot wounds are contact or near contact.
 - C) Path was from below upward and front to back - FACT - suicidal wounds to right temple typically travel in this direction.
 - D) Gunshot residue on the hand - FACT - gun was in hand when discharged. It did not "accidentally" drop to the floor and go off.
 - E) Brain tissue in gun muzzle - FACT - gun was close to head.
 - F) Blood in muzzle same as victim's - FACT - gun was close to victim's head.
 - G) Hesitation scars on victim's wrist - FACT - victim had previously attempted suicide.
 - H) Lethal amounts of drugs in gastric contents - FACT - suicide victims often use multiple modalities.
 - I) Alcohol level present - FACT - suicide victims drink a little "courage" first. FACT - Alcohol has a depressant effect.
 - J) Painful diseases or tumor present - FACT - many people commit suicide with these conditions.

All of the above facts can be provided for you by the medical examiner and the crime lab.

Your investigation may reveal many other facts - a suicide note, the gun in hand, a history of prior attempts, a medical history of depression or pain, and many others, of course.

In summary, have more facts upon which to base your opinion than the other guy.

The deputy coroner leaned back against the wall and complained, "I swear the worst part of this job is deciding the verdict on some of these cases. I often wake up at night seeing the words HOMICIDE, SUICIDE, ACCIDENTAL, NATURAL, or UNDETERMINED parading in front of my eyes."

"I know what you mean, Gary. Did you hear about the medical examiner in Seattle who was actually sued and became a defendant in a suicide versus accident case. Often families and attorneys question our verdicts, but we have never had to go to court to defend our opinions." The coroner paused to get a fresh toothpick. "Furthermore, people don't realize the thousands of dollars in survivors benefits that may hinge on our correct verdict."

"That's just it.", the deputy replied. "What can we do to insure a correct manner of death? Take this case for instance. The girl was found with a syringe of cocaine still in her arm. She had been depressed but no note was found. Is it an accident or a suicide?"

The coroner added, "What if she was given a hot shot or a lethal dose by her drug dealer. Wouldn't that be murder?" The coroner continued, "And what about the last case in the newsletter? How would you sign out the epileptic that died in jail?"

QUESTIONS:

- 1) What steps should be taken to insure a correct manner of death determination?
- 2) How do you sign out a death from intravenous narcotism?
- 3) How would you sign out the epileptic death?
- 4) How do you sign out victims of sexual asphyxia, MVA deaths without legal injuries, and Russian Roulette?
- 5) What if there are two different causes of death?

NOTE: Thanks to coroner Mickey Nelson for suggesting this months topic. Any others out there with a particular topic?

ANSWERS CONTINUED:

2. The great majority of deaths from intravenous self-injection of drugs are ruled undetermined. Drug levels are much too variable upon which to base a verdict without a history or a reliable witness.
3. It could have been homicidal - the epilepsy caused by brain injury caused by a blow. Accidental - brain injury caused by fall. Suicidal - brain injury caused by a self-inflicted bullet wound. Excluding brain injured epileptics, most epileptics will die from natural causes including respiratory arrests during a seizure. The past medical history would be very important in a jail death.
4. The dangerous practice of restricting oxygen to the brain, whether by a noose or suffocation, supposedly enhances sexual activity. Unfortunately, many young men lose consciousness and die during this practice. These are not suicides but accidental deaths occurring during these bizarre acts.

Motor vehicle deaths without lethal injuries deserve special attention. Make sure there was no compression of the neck or chest. Eliminate carbon monoxide poisoning or drug overdose. The vast majority of people who have heart attacks while driving usually can get over to the side of the road and only sustain minor injuries. The manner of death is then natural.

The manner of death in Russian Roulette is controversial. Some say the victim is playing a game. The object of a game is to win. Therefore the victim does not intend to lose. Thus there is no intent to die and death should be ruled accidental. But what if the victim stacks the odds by having only one empty chamber or pulls the trigger several times? The manner of death may depend on a psychological history.

5. An elderly person with terminal leukemia is seriously burned during hospitalization. Death occurs several days later and the pathologist signs the cause of death as "Acute bilateral pneumonia due to leukemia associated with thermal burns". The doctor doesn't know whether the leukemia, the burns, or both may have caused his death. Do you rule natural or accidental? The answer is neither. You rule it undetermined. A perfectly valid and acceptable verdict. Nearly five percent of deaths are ruled undetermined in most medical examiner offices. Significant deviation from the number usually means you are overcalling your verdicts. There is no shame in saying "I don't know". Let a judge or jury make a decision and save yourself the embarrassment of looking foolish in the courtroom by trying to defend an ill-founded verdict. If forensic pathologists felt bad every time they said "I don't know", they all would have committed suicide a long time ago.

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